

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE NO.: 07CV6286 (GBD)

JUSTA C. MORALES, as personal
representative of the ESTATE of
GUSTAVO A. MORALES,

Plaintiff,

v.

CITIGROUP, INC. f/k/a THE NATIONAL
CITY BANK OF NEW YORK,

Defendant.

**DEFENDANT CITIGROUP, INC.'S NOTICE THAT
MOTION TO SERVE COUNTERCLAIM BY PUBLICATION IS MOOT**

Defendant Citigroup, Inc. ("Citi") hereby notifies Plaintiff Justa C. Morales and the Court that its Motion to Serve its Counterclaim by Publication [DE 19] is moot, based on the following grounds.

1. On August 31, 2007, Citi filed its Answer, Defenses, Affirmative Defenses, and Counterclaim against Plaintiff, Jane Does 1-X, and John Does 1-X [DE 9].
2. Plaintiff never responded to the Counterclaim.
3. Citi since has filed an Amended Answer, Defenses, and Affirmative Defenses to Plaintiff's Amended Complaint, as a matter of right, Federal Rule of Civil Procedure 15(a), and thereby removed and withdrew its Counterclaim. Therefore, Citi's Motion to Serve the Counterclaim by Publication is moot.

Respectfully submitted,

/s/ Edward M. Mullins

**ASTIGARRAGA DAVIS MULLINS &
GROSSMAN, P.A.**

José I. Astigarraga, Edward M. Mullins,
Jenelle E. La Chuisa
Fla. Bar No. 263508, 863920 & 0539988
701 Brickell Avenue, 16th Floor
Miami, Florida 33131
Tel:(305) 372-8282
Fax:(305) 372-8202
E-mail: emullins@astidavis.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 12, 2008, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to:
Reinaldo J. Dorta, Jr., Esq., and Omar Ortega, Esq., Dorta & Ortega, P.A., 2222 Ponce de Leon Blvd., Suite 306, Coral Gables, FL 33134.

/s/ Edward M. Mullins
Edward M. Mullins

F:\WDOX\CLIENTS\10016\5002\00074688.DOC